

# HOUSE BILL No. 1144

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-17.2-3.5; IC 16-38-5-3.

**Synopsis:** Child care provisions. Specifies conditions of child care provider eligibility for federal Child Care and Development Fund voucher payments. Allows the state department of health to release to certain child care providers information from the immunization data registry. (The introduced version of this bill was prepared by the committee on child care.)

**Effective:** July 1, 2014.

---

---

## Wesco

---

---

January 13, 2014, read first time and referred to Committee on Family, Children and Human Affairs.

---

---



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1144

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-17.2-3.5-8, AS AMENDED BY P.L.225-2013,  
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 8. (a) At least one (1) adult individual who  
4 maintains annual certification in a course of cardiopulmonary  
5 resuscitation applicable to all age groups of children cared for by a  
6 provider shall be present at all times when a child is in the care of the  
7 provider.  
8 (b) The following apply to an individual who is employed or  
9 volunteers as a caregiver at a facility where a provider operates a child  
10 care program:  
11 (1) The individual shall maintain current certification in first aid  
12 applicable to all age groups of children cared for by the provider.  
13 (2) If the individual is:  
14 (A) at least eighteen (18) years of age, the individual may act  
15 as a caregiver without supervision of another caregiver; or  
16 (B) less than eighteen (18) years of age, the individual may act



as a caregiver only if the individual:

(i) is at least fourteen (14) years of age; and

(ii) is, at all times when child care is provided, directly supervised by a caregiver who is at least eighteen (18) years of age.

~~(3) The provider must verify that an employee or a volunteer has received training concerning child abuse detection and prevention.~~

~~(4)~~ (3) Before beginning employment or volunteer duties, the individual must receive a formal orientation to the facility and the child care program.

**(4) Beginning July 1, 2015, unless the provider is a parent, stepparent, guardian, custodian, or other relative to each child in the care of the provider, the individual must annually receive at least twelve (12) hours of continuing education approved by the division and related to the development, care, and safety of children.**

**(5) Not more than three (3) months after the individual begins employment or volunteer duties, the individual must receive training approved by the division concerning child abuse detection and prevention.**

(c) A provider shall:

(1) maintain at the facility where the provider operates a child care program documentation of all training required by this section; and

(2) make the documentation available to the division upon request.

SECTION 2. IC 12-17.2-3.5-16, AS ADDED BY P.L.225-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **(a) The division may decertify a provider for any of the following reasons:**

**(1) The provider fails to comply with this chapter.**

**(2) The provider refuses to allow, during normal business hours, the division or an agent of the division to inspect the facility where the provider operates a child care program.**

**(3) The provider fails to correct a problem identified by the division within the period required by the division.**

**(b) A provider is ineligible, and the division may revoke for a period of not less than two (2) years from the date on which a final determination is made under IC 4-21.5 a provider's eligibility, to receive a voucher payment under this chapter for any of the following reasons:**



(1) The provider is determined by the division to have made false statements in the provider's:

(A) application for eligibility to receive a voucher payment; or

(B) records required by the division;  
under this chapter.

(2) Credible allegations of fraud have been made against the provider, as determined by the division.

(3) Criminal charges of welfare fraud have been filed against the provider.

(4) Allegations of welfare fraud committed by the provider have been substantiated by the division.

**(5) Any unresolved reasons for decertification described in subsection (a).**

SECTION 3. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 19. (a) An employee or a volunteer shall immediately report to child protective services, the division, and local law enforcement authorities the employee's or volunteer's suspicion of physical abuse, sexual abuse, child neglect, or child exploitation of a child in the provider's care.**

**(b) A provider shall immediately notify the division and the parent or legal guardian of a child in the care of the provider concerning:**

**(1) an injury of the child that requires medical attention;**

**(2) the death of the child; or**

**(3) an emergency event involving the child.**

SECTION 4. IC 16-38-5-3, AS AMENDED BY P.L.122-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3. (a) Records maintained as part of the immunization data registry are confidential.**

**(b) The state department may release information from the immunization data registry to the individual or to the individual's parent or guardian if the individual is less than eighteen (18) years of age.**

**(c) Subject to subsection (d), the state department may release information in the immunization data registry concerning an individual to the following persons or entities:**

**(1) The immunization data registry of another state.**

**(2) A provider or a provider's designee.**

**(3) A local health department.**

**(4) An elementary or secondary school that is attended by the individual.**



(5) A child care center that is licensed under IC 12-17.2-4 in which the individual is enrolled.

**(6) A child care home that is licensed under IC 12-17.2-5 in which the individual is enrolled.**

**(7) A child care ministry that is registered under IC 12-17.2-6 in which the individual is enrolled.**

~~(6)~~ (8) The office of Medicaid policy and planning or a contractor of the office of Medicaid policy and planning.

~~(7)~~ (9) A child placing agency licensed under IC 31-27.

~~(8)~~ (10) A college or university (as defined in IC 21-7-13-10) that is attended by the individual.

(d) Before immunization data may be released to a person or an entity, the person or entity must enter into a data use agreement with the state department that provides that information that identifies a patient will not be released to any other person or entity without the written consent of the patient unless the release is to a person or entity described in subsection (c).

(e) The state department may release summary statistics regarding information in the immunization data registry to a person or entity that has entered into a data use agreement with the state department.

